

PATENT
Customer No. 22,852
Attorney Docket No. 3804.1590-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:)
)
Manfred BOHN et al.) Group Art Unit: 1617
)
Application No.: 10/690,597) Examiner: E. Webman
)
Filed: October 23, 2003)
)
For: ANTIMYCOTIC GEL HAVING) Confirm. No.: 6765
HIGH ACTIVE COMPOUND)
RELEASE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, U.S. patent publications, and U.S. patent applications are not enclosed.

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02 FC:1806

180.00 DP

PCT publication WO 98/13009 is of record in prior application no. 09/068,894, filing date May 22, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120, and accordingly a copy is not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English language abstract of JP 07 223 971 A is enclosed. An abstract of that Japanese patent was cited on the International Search Report provided for the PCT application that yielded the parent application. That International Search Report is of record in the parent application, and explains the relevance of the cited abstract. See Notification of Acceptance of Application dated November 17, 1998, for U.S. Application No. 09/068,894.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

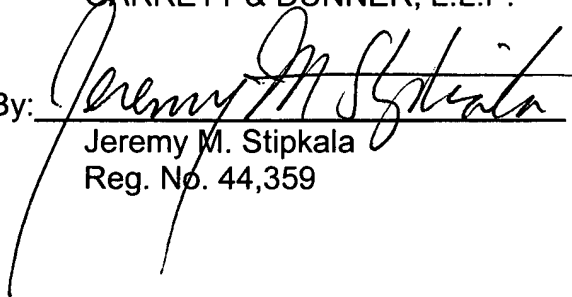
If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

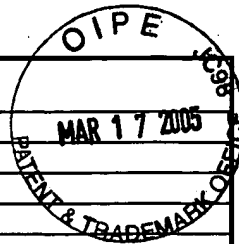
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 17, 2005

By:


Jeremy M. Stipkala
Reg. No. 44,359

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	10/690,597	
			Filing Date	October 23, 2003	
			First Named Inventor	Manfred BOHN et al.	
			Art Unit	1617	
			Examiner Name	E. Webman	
Sheet	1	of	1	Attorney Docket Number	3804.1590-02



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5,612,327	03-18-1997	MAKINO et al.	
		US-5,609,854	03-11-1997	GUERRERO et al.	
		US-5,510,100	04-23-1996	PICARD et al.	
		US-20040039030 A1	02-26-2004	BOHN et al.	
		US-09/077,194	05-26-1998	BOHN et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 98/13009	04-02-1998	BOHN et al.		Eng. Lang. Countrprt.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Derwent Abstract No. 95-325488 for JP 07 223 971 A (Aug. 22, 1995).	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.